

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

OMAWALI ASHANTI SHABAZZ #244104,
aka FRED E. DEAN,

Plaintiff,

v.

3:05-cv-513

DAVID MILLS, et al.,

Defendants.

MEMORANDUM AND ORDER

The court is in receipt of a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. Pursuant to the Prison Litigation Reform Act, a prisoner cannot bring a new civil action or appeal a judgment in a civil action *in forma pauperis* if he or she has, three or more times in the past, while incarcerated, brought a civil action or appeal in federal court that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief may be granted. The only exception is if the prisoner is in "imminent danger of serious physical injury." 28 U.S.C. §1915(g).

While incarcerated, plaintiff has had at least three prior civil rights actions dismissed as frivolous or for failure to state a claim for relief. *See Omawali Ashanti Shabazz, aka Fred E. Dean, v. Donal Campbell*, Civil Action No. 3:99-cv-1118 (M.D. Tenn. December 8, 1999) (order dismissing case *sua sponte* pursuant to the three-dismissal rule).

Plaintiff does not allege that he is in "imminent danger of serious physical injury." Thus, in order to file this action, plaintiff must prepay the entire \$250.00 filing fee. Leave to proceed *in forma pauperis* is **DENIED**. Plaintiff's complaint shall be filed for the purpose of making a record and for statistical purposes, and shall be **DISMISSED WITHOUT PREJUDICE** pursuant to the three-dismissal rule of 28 U.S.C. §1915(g).

E N T E R:

s/ Thomas W. Phillips
United States District Judge